

REMARKS

This paper is filed in response to the Office Action dated February 3, 2005. As this paper is filed on April 4, 2005, this paper is timely filed. Moreover, as April 3, 2005 was a Sunday, this paper is filed within two months of the February 3 Office Action.

I. Status of Amendments

Claims 41-78 and 81-94 were pending prior to this reply. By this reply, applicant does not cancel, amend or add any claims. Thus, claims 41-78 and 81-94 remain pending.

II. Response to the February 3 Office Action

In the February 3 Office Action, claims 41, 42, 44, 48-60, 62, and 66-76 are rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Turner (U.S. Patent No. 4,684,136) in view of Walker (U.S. Patent No. 6,193,606) in further view of Marnell (U.S. Patent No. 5,393,057). Claims 43 and 61 are rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Turner in view of Walker in further view of Marnell in yet further view of Seelig et al. (U.S. Publ. No. 2003/0036418). Claims 45, 47, 63 and 65 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Turner in view of Walker in further view of Marnell in yet further view of Adams (U.S. Patent No. 6,120,031). Applicant responds as follows.

A. Claims 41-58 are allowable

Claim 41 recites a gaming method. The method includes receiving a wager from a player, displaying an image representing a game, and determining if an event has occurred. The method also includes displaying a matrix including a plurality of spaces if the event has occurred, an initial display of the matrix having fewer than all of the plurality of spaces having a trivia topic associated therewith, receiving a selection of a space having a trivia topic associated therewith, selecting a trivia question according to the trivia topic associated with the space selected, and displaying the trivia question and a plurality of possible answers to the trivia question. The method further includes receiving a selection of one of the

plurality of possible answers from the player, determining if the one of the plurality of possible answers is correct, and providing an award if the one of the plurality of possible answers is correct.

As applicant noted previously, Turner states: "Each playing piece 16 is placed into an aperture 18 on the playing board 12 until three tic-tac-toe arrangements 22 are won in a vertical, horizontal or diagonal row to completely win the game." Col. 2:13-17. Turner also states: "The object of the game is for one team to win three tic-tac-toe subject areas 22 in a row (vertically, horizontally or diagonally)." Col. 2:64-66. Completely consistent with Turner is the concept that each and every subject area is initially present, such that combination of three subject areas may be formed in every direction - vertically, horizontally or diagonally.

Thus, it is admitted in the January 3 Office Action (at page 5) that the alleged combination of Turner and Walker (a combination to which applicant does not admit) "is silent regarding 'an initial display of the matrix having fewer then [sic., than] all of the plurality of spaces having a trivia topic associated therewith.'" However, it is suggested that Marnell teaches "the use of 'wild' or free location with no trivia topic associated therewith (Figure 3 & Element 75) matrix location and the use of trivia questions to complete the matrix (Col 3:61-62)," and thus the combination of Marnell, Turner and Walker would allegedly include the disclosure admittedly missing from the combination of Turner and Walker. Applicants disagree.

Marnell states (at Col. 3:47-53) that:

[T]he electronic gaming apparatus of the present invention, generally designated 21, includes a primary gaming device, such as an electronic poker gaming device, generally designated 22, that is electrically coupled to a secondary gaming device, such as an electronic bingo-type gaming device, generally designated 23.

Moreover, Marnell states that "the primary gaming device 22 could be . . . a trivia quiz game" (col. 3:61-62). Beyond this, Marnell is silent in regard to use of a trivia quiz game in combination with the electronic gaming apparatus of the alleged invention.

It is thus complete conjecture as to how a trivia game would be integrated into the electronic gaming apparatus of Marnell. Marnell certainly does not state that wild or free locations should be used in place of matrix locations that would otherwise contain a trivia

topic. Likewise, Marnell does not state that trivia questions are used to complete the matrix. Applicant suspects that it is only with the hindsight of applicant's disclosure that Marnell is completed so as to conveniently fit together with Turner to provide the missing teachings of the alleged combination of Turner and Walker.

Moreover, the alleged motivation to combine Marnell with Turner and Walker does not ring true with the statements made in Turner. According to the February 3 Office Action (at page 5), one skilled in the art would have been motivated "to have incorporated a 'wild' space as taught by Marnell in the invention of Turner/Walker to increase the probability of a player achieving a line combination." However, Turner consistently states that three arrangements are required to win. It is believed that the importance attached to completing at least three arrangements coincides with the importance placed by Turner on his game being one of "strategy and knowledge" (Col. 1:23), especially focused on school-age children (see Col. 1:26-28 and Col. 2:42-46 and 53-63). Consequently, it is not believed that a mechanism that would remove a learning experience from the game of Turner would be consistent with Turner, such that the motivation suggested would not be considered to be an appropriate motivation by one skilled in the art.

Because none of the cited references, alone or in combination, disclose, teach or suggest that the initial display of the matrix has fewer than all of the plurality of spaces having a trivia topic associated therewith, claim 41 is allowable. Moreover, claims 42-45 and 47-58 that depend from independent claim 41 are therefore also allowable because of, at least, their dependence from claim 41.

Claim 46 also depends from claim 41. As noted above, because claim 41 is allowable, so too should be claim 46 for at least this reason. However, applicant notes that claim 46 has been previously found to be allowable. See February 3 Office Action, at page 8. Consequently, for this reason as well, claim 46 is allowable.

B. Claims 59-76 are allowable

Claim 59 recites gaming system. The gaming system includes a display unit, a wager input device, and at least one processing unit operably coupled to the display device, the wager input device and a memory. The at least one processing unit receives a wager via the wager input device from a player, causes the display unit to display an image representing a

game, and determines if an event has occurred. The at least one processing unit also causes the display unit to display a matrix including a plurality of spaces if the event has occurred, an initial display of the matrix having fewer than all of the plurality of spaces having a trivia topic associated therewith, receives a selection of a space having a trivia topic associated therewith, selects a trivia question according to the trivia topic associated with the space selected, and causes the display unit to display the trivia question and a plurality of possible answers to the trivia question. The at least one processing unit further receives a selection of one of the plurality of possible answers from the player, determines if the one of the plurality of possible answers is correct, and provides an award if the one of the plurality of possible answers is correct.

Like claim 41, claim 59 recites "an initial display of the matrix having fewer than all of the plurality of spaces having a trivia topic associated therewith." Because none of the cited references, alone or in combination, disclose, teach or suggest that the initial display of the matrix has fewer than all of the plurality of spaces having a trivia topic associated therewith, as discussed above, claim 59 is allowable. Moreover, claims 60-63 and 65-76 that depend from independent claim 59 are therefore also allowable because of, at least, their dependence from claim 59.

Claim 64 also depends from claim 59. As noted above, because claim 59 is allowable, so too should be claim 64 for at least this reason. However, applicant notes that claim 64 has been previously found to be allowable. See February 3 Office Action, at page 8. Consequently, for this reason as well, claims 64 is allowable.

C. Claims 77, 78, and 81-94 are allowed

As to claims 77, 78, and 81-94, applicant notes that claims 77, 78, and 81-94 have been allowed. See February 3 Office Action, at page 8. Consequently, applicant has no further response in regard to these claims.

III. Conclusion

In view of the foregoing, it is respectfully submitted that the above application is in condition for allowance, and reconsideration is respectfully requested. If there is any matter that the Examiner would like to discuss, the Examiner is invited to contact the undersigned

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representative at the telephone number set forth below. Further, if there are any additional fees or refunds required, the Commissioner is directed to charge or debit Deposit Account No. 13-2855.

Dated: April 4, 2005

Respectfully submitted,

By 

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